

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LOYDALE KIRVEN, and
ESTEVEN GARCIA,

Plaintiffs,

vs.

No. CV 19-00322 MV/KRS

SANTA ROSA DEPARTMENT OF
CORRECTIONS, SANTA FE DEPT
OF CORRECTIONS,

Defendants.

ORDER TO CURE DEFICIENCY

Plaintiffs have submitted a civil rights complaint. The Court determines that Plaintiffs' submission is deficient because Plaintiffs have not paid the \$400.00 filing fee or filed an Application to Proceed in District Court Without Prepaying Fees or Costs. Plaintiffs must cure this deficiency within thirty (30) days from entry of this Order by *either* paying the full \$400.00 civil filing fee *or* submitting an Application to Proceed in District Court Without Prepaying Fees or Costs including a certified copy of Plaintiffs' inmate account statements for the 6-month period immediately preceding this filing. *See* 28 U.S.C. § 1915(a)(2). Failure to cure the designated deficiency within thirty (30) days from entry of this Order may result in dismissal of this action without further notice.

If Plaintiffs elect not to pay the filing fee and, instead, to proceed *in forma pauperis*, each Plaintiff *individually* must submit a *separate* Application to Proceed in District Court Without Prepaying Fees or Costs, signed under penalty of perjury by that Plaintiff. Plaintiff Loydale Kirven is also reminded that he has had three strikes imposed against him under 28 U.S.C. §

1915(g) and may not proceed in this Court without prepayment of fees and costs under 28 U.S.C. § 1915 unless he is in imminent danger of serious physical injury.

IT IS ORDERED that within thirty (30) days of entry of this Order, Plaintiffs *either* pay the full \$400.00 civil filing fee *or* each Plaintiff submit an Application to Proceed in District Court Without Prepaying Fees or Costs that includes a certified copy of Plaintiffs' inmate account statement for the 6-month period immediately preceding this filing; and the Clerk is directed to mail to Plaintiffs a copy of this order and 2 copies of an Application to Proceed in District Court Without Prepaying Fees or Costs with instructions.

A handwritten signature in dark ink, appearing to read "Kevin Smeagala", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE